

FILE COPY

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LARRY E.J. RUSSELL, D.C.,
RESPONDENT.

FINAL DECISION
AND ORDER
LS9712221CHI

The State of Wisconsin, Chiropractic Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Chiropractic Examining Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 21st day of May 1998.

Teri K. Freitag, D.C.
A Member of the Board

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LARRY E.J. RUSSELL, D.C.,
RESPONDENT.

PROPOSED DECISION

[Case No. LS9712221 CHI]

The parties to this proceeding under sec. 227.44, Stats., and for the purposes of sec. 227.53, Stats., are:

Larry E.J. Russell, D.C.
W8043 Birch Rd.
Beaver Dam, WI 53916

Chiropractic Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

A hearing was held in the above-captioned matter on January 26, 1998. The respondent, Dr. Larry E.J. Russell, appeared personally and without an attorney. Attorney Steven M. Gloe appeared on behalf of the complainant. A transcript of the hearing was prepared and filed on February 10, 1998.

On the basis of the entire record herein, the administrative law judge recommends that the Chiropractic Examining Board adopt as its final decision in this proceeding, the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Larry E.J. Russell (DOB 01/22/49) is duly licensed as a chiropractor in the state of Wisconsin (license #1286). This license was first granted on February 6, 1973.

2. Dr. Russell's most recent address known to the Wisconsin Chiropractic Examining Board is W8043 Birch Rd., Beaver Dam, WI 53916.

3. On or about November 9, 1995, the Wisconsin Chiropractic Examining Board imposed disciplinary action against the license of Dr. Russell.

4. Dr. Russell has failed to comply with the terms of the Board's November 9, 1995, Order in that:

- a. On or about November 5, 1996, Dr. Russell was notified that his professional liability insurance policy lapsed for nonpayment of premiums effective August 22, 1996.
- b. Dr. Russell did not report this change in the status of his liability insurance coverage to the board.
- c. Dr. Russell failed to maintain proof of current and adequate professional liability insurance coverage on file with the Board.

5. Dr. Russell's professional liability insurance policy lapsed for nonpayment of premiums on or about August 22, 1996.

6. Dr. Russell continued to practice chiropractic in Wisconsin without professional liability insurance coverage from August 22, 1996 and up through at least October 17, 1997.

7. On or about December 31, 1996, Dr. Russell submitted a letter requesting renewal of his biennial chiropractic license registration. This request for renewal was insufficient, in that:

- a. The renewal request did not contain a sufficient amount of payment for the renewal fee;
- b. The renewal request did not contain Dr. Russell's social security number; and
- c. The renewal request did not include complete documentation of Dr. Russell's completion of required continuing education credits.

8. Dr. Russell did not completely cure these defects, despite notification from the Department, until at least September 22, 1997.

9. Dr. Russell continued his Wisconsin practice of chiropractic from January 1, 1997 through at least September 22, 1997.

CONCLUSIONS OF LAW

1. The Chiropractic Examining Board has jurisdiction in this proceeding pursuant to ch. 446, Stats.

2. By the conduct described in paragraph 4 of the Findings of Fact, Dr. Russell is subject to disciplinary action against his license to practice chiropractic in the state of Wisconsin, pursuant to sec. 446.03(5), Stats., and sec. Chir 6.02(25), Wis. Adm. Code.

3. By the conduct described in paragraphs 5 and 6 of the Findings of Fact, Dr. Russell is subject to disciplinary action against his license to practice chiropractic in the state of Wisconsin, pursuant to secs. 446.02(8) and 446.03(5), Stats., and secs. Chir 6.02(1), (25) and (26), Wis. Adm. Code.

4. By the conduct described in paragraphs 7, 8 and 9 of the Findings of Fact, Dr. Russell is subject to disciplinary action against his license to practice chiropractic in the state of Wisconsin, pursuant to secs. 446.02(4) and 446.03(5), Stats., and secs. Chir 6.02(1), (25) and (26), Wis. Adm. Code.

ORDER

NOW, THEREFORE IT IS ORDERED that the license of respondent, Larry E.J. Russell, D.C., to practice chiropractic in the state of Wisconsin shall be, and hereby is **SUSPENDED** for a period of not less than **THIRTY (30) DAYS**, effective on the date of the Final Decision and Order of the Chiropractic Examining Board.

FURTHERMORE, IT IS ORDERED that the suspension of the respondent shall be **STAYED** for a period of three (3) months, commencing no earlier than thirty (30) days after the date of the Final Decision and Order of the Chiropractic Examining Board, upon the receipt of adequate proof by the Chiropractic Examining Board that the respondent has obtained current and adequate professional liability insurance coverage.

FURTHERMORE, IT IS ORDERED that the respondent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the following conditions and **LIMITATIONS**:

1. Accompanying each and every application for a three month stay of suspension shall be a statement by Dr. Russell to the Chiropractic Examining Board or its designated agent as to whether there has been any change in the status of his professional liability insurance coverage.
2. Dr. Russell shall maintain proof of current and adequate professional liability insurance coverage on file with the Chiropractic Examining Board or its designated agent.

FURTHERMORE, IT IS ORDERED that the failure of respondent to timely petition for a stay of suspension, or to comply with the above limitations, shall result in the termination of the stay of suspension or denial of an extension of the stay of suspension.

FURTHERMORE, IT IS ORDERED that upon compliance for a period of three (3) years with the above limitations, the Chiropractic Examining Board shall restore the respondent's license to practice chiropractic to full and unrestricted status.

FURTHERMORE, IT IS ORDERED that the assessable costs of this proceeding be imposed upon the respondent, pursuant to sec. 440.22, Stats.

OPINION

Section 446.02(8), Stats., requires that every practicing chiropractor in the state of Wisconsin have professional liability insurance in a minimum amount determined by the board.¹ In a prior disciplinary proceeding before this board, Dr. Russell was found to have practiced chiropractic without insurance for nearly nine months. A *Final Decision and Order*, dated November 9, 1995, regarding that misconduct resulted in the reprimand of Dr. Russell. His license was also limited for a period of two years by requiring that he report any changes in the status of his insurance coverage to the board and to maintain proof of having current and adequate professional liability coverage on file with the board.

This subsequent proceeding has established that Dr. Russell's insurance lapsed for a failure to pay premiums on August 22, 1996, and that he was notified of the cancellation of his insurance on or around November 5, 1996. Dr. Russell did not report this "change in the status" of his liability insurance to the board, thereby violating the limitations specified in the 1995 *Final Decision and Order*.

Additionally, despite his knowledge in early November, 1996 that he no longer possessed professional liability insurance, Dr. Russell continued to practice chiropractic in this state up through at least October 17, 1997 -- constituting a period of over 11 months during which Dr. Russell knew that he was practicing chiropractic without professional liability insurance. During that time Dr. Russell also knew -- by virtue of his prior 1995 discipline if not through his

¹ Chir 3.07, Wis. Adm. Code provides as follows:

Professional liability insurance. Every chiropractor practicing in the state of Wisconsin shall have professional liability insurance coverage in effect at all times in the amount of at least \$100,000 for each occurrence and \$300,000 for all occurrences in one year. The board shall conduct random audits of chiropractors licensed and practicing in this state, and institute disciplinary proceedings against any chiropractor who fails to submit proof that he or she has insurance coverage meeting the minimum limits required by this section.

knowledge of the chiropractic licensing laws -- that to practice chiropractic without professional liability insurance constituted actionable unprofessional conduct, and served to violate the disciplinary order to which he was subject.

Finally, he continued to practice chiropractic despite having filed an insufficient request for the biennial renewal of his license on December 31, 1996. The renewal request did not remit the fee amount necessary for renewal; did not contain his social security number; and did not include complete documentation of the required continuing education credits. Dr. Russell, despite notification from the department, did not submit the necessary fee and documentation until at least September 22, 1997.

The above summary of the facts in this case are not contested by Dr. Russell. The Findings of Fact in this case are taken from the Complaint, to which respondent failed to provide a written Answer. Accordingly, the allegations in the Complaint may be accepted as true pursuant to sec. RL 2.14, Wis. Adm. Code.

The only real issue in this proceeding is that of the appropriate disciplinary, if any, to impose upon Dr. Russell. In this regard, it must be recognized that the well established and interrelated purposes for applying disciplinary measures are to: 1) promote the rehabilitation of the licensee, 2) protect the public, and 3) to deter other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. MacIntyre*, 41 Wis. 2d 481, 485 (1969). However, as the court in *MacIntyre*, supra, p. 484, also instructs us:

The apprehension as to protecting the public interest is heightened by the repeater aspect of this proceeding. It is a fact and factor that may, in fact must, be taken into consideration.

Both complainant's attorney and Dr. Russell made short, yet concisely informative closing statements that are worthy of setting forth here.

MR. GLOE: I believe the violations as alleged have been established by the evidence. Whenever possible my philosophy as a prosecutor is to look for rehabilitation of the licensee. We have here before us an example of a rehabilitation plan that I may have even been responsible for. I don't recall. Yes. That was put into place in 1995. It didn't work. That's why we're here again today. The maintenance of professional liability insurance is vital for public protection. I'm not sure how to refashion another rehabilitation plan that will work where the prior one failed. Your Honor, if you can think of one, I salute you. At this point I feel compelled to ask for Dr. Russell's license, at least for the indefinite future, and until such time as he can convince the board that he has in place a program that will assure that he will not practice without insurance. That's all.

DR. RUSSELL: Well, the only thing I would like to say is that factually as far as my license went, that I had the educational requirements satisfied. I don't believe that public safety was endangered by my continued practice. I realize that liability insurance is required. I let that slip. But the level of care that I was giving to my patients, I believe, was on a par with any in the state. And educationally I was there. The other matters with regard to my license renewal, I really wasn't familiar with the social security number need or the increase in the fee until I got the certified letter. And then I attempted to correct those.

It is clear that the rehabilitative approach to discipline must give deference to the need to protect the public and deter other licensees from similar misconduct. This is especially true in light of the repeater aspect of the conduct, which is substantively identical to that for which Dr. Russell was previously disciplined. There are no mitigating circumstances. Dr. Russell does not claim a lack of finances or other explanation for which consideration could arguably be given. Rather, he indicates only that he "let it slip". That is not at all credible given his prior discipline. However, even charitably assuming that Dr. Russell inadvertently let his insurance lapse for non-payment, it is clear that his continued practice of chiropractic without professional liability insurance was intentional, and knowingly contrary to the licensing laws.

Furthermore, his failure to notify the board that his insurance had lapsed must be construed as a knowing violation of his 1995 disciplinary order. One is constrained to find that Dr. Russell's conduct was not one of an inattentiveness; but rather, an intentional disregard of practice requirements.

Under the circumstances presented, a period of suspension is clearly required. Only a board imposed suspension sends a sufficient message of deterrence to other licensees, and assures the public, that repeated and intentional misconduct of the nature found in this case will not be condoned. The recommended discipline effectively imposes a thirty suspension on Dr. Russell's right to practice chiropractic, and takes into consideration the fact that respondent ceased practice on October 17, 1997.²

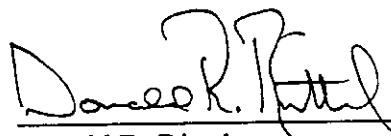
After thirty days, if Dr. Russell submits proof to the board of having obtained adequate professional liability insurance, he may petition for a stay of the suspension. Thereafter, he is required to petition every three months for an extension of the stay of suspension, and to indicate in his request whether or not there has been any change in the status of his insurance coverage. Furthermore, he must maintain proof of current and adequate insurance coverage on file with the board. These requirements restate the provisions of the board's 1995 *Final Decision and Order* and would remain in effect for three years following Dr. Russell's initial reinstatement to practice. The three year limitation time-frame is based upon the 2 year foundation laid in the board's prior order, with an additional year imposed to reflect the approximate period of uninsured chiropractic practice by Dr. Russell in this case.

² Transcript, page 12.

It is hoped and intended that by requiring Dr. Russell to formally petition the board for a stay of his suspension every three months for a period of three years will serve his rehabilitation by requiring that he devote more attention to the licensing laws, and the board's authority with respect to them. The consequences of his failure to do so could result in a lengthy suspension under the recommended order.

Dated this 24th day of April, 1998.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donald R. Rittel", is written over a horizontal line.

Donald R. Rittel
Administrative Law Judge

g:\decision\proposed\russell.drr

NOTICE OF RIGHTS OF APPEAL

TO: Larry Russell, D.C.

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 6/3/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. *Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence.* The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

State of Wisconsin Chiropractic Examining Board

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935

FILE COPY

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

| | | |
|-------------------------------|---|---------------------|
| IN THE MATTER OF DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | ORDER FIXING COSTS |
| | : | Case # LS9712221CHI |
| LARRY E.J. RUSSELL, D.C., | : | |
| RESPONDENT. | : | |

On May 21, 1998, the Chiropractic Examining Board filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on or about May 26, 1998, the Chiropractic Examining Board received the *Affidavit of Costs* in the amount of \$412.67, filed by Attorney Steven M. Gloe. On or about June 2, 1998, the Chiropractic Examining Board received the *Affidavit of Costs of the Office of Legal Services* in the amount of \$436.54, filed by Administrative Law Judge Donald R. Rittel. The Chiropractic Examining Board considered the affidavits on July 23, 1998, and orders as follows:


ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$849.21, which is 100% of the costs set forth in the affidavits of costs of Attorney Steven M. Gloe and Administrative Law Judge Donald R. Rittel, which are attached hereto and made a part hereof, are hereby assessed against respondent, and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before August 22, 1998, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the Chiropractic Examining Board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached "*Guidelines for Payment of Costs and/or Forfeitures*" should be enclosed with the payment.

Dated this 23rd day of July, 1998.

CHIROPRACTIC EXAMINING BOARD

By: 
A Member of the Board

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

| | | |
|-------------------------------|---|--------------------------------|
| IN THE MATTER OF DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | AFFIDAVIT OF COSTS OF |
| | : | OFFICE OF BOARD LEGAL SERVICES |
| LARRY E.J. RUSSELL, D.C., | : | (Case No. LS 9712221 CHI) |
| RESPONDENT. | : | |

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Donald R. Rittel, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the state of Wisconsin, and is employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.

2. In the course of his employment, your affiant was assigned as the administrative law judge in the above-captioned matter.

3. Set out below are the actual costs of this proceeding for the Office of Board Legal Services in this matter:

ADMINISTRATIVE LAW JUDGE EXPENSE

Donald R. Rittel


| <u>DATE</u> | <u>ACTIVITY</u> | <u>TIME SPENT</u> |
|-------------|---|-------------------|
| 1/26/98 | Conduct Evidentiary Hearing | 0.45 hours |
| | <u>Review record; prepare Proposed Decision</u> | <u>5.00 hours</u> |
| | TOTAL TIME SPENT | 5.45 hours |

Total administrative law judge expense for Donald R. Rittel,
5.45 hours @ \$ 49.385 per hour, salary and benefits:

\$ 269.14

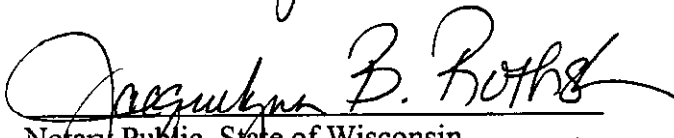
REPORTER EXPENSE
Textnet

| <u>ACTIVITY</u> | <u>COST</u> |
|--|-------------------------|
| <u>Attending and transcribing 1/26/98 Hearing</u> | <u>\$ 167.40</u> |
| Total reporter expense for Textnet: | <u>\$ 167.40</u> |
| TOTAL ASSESSABLE COSTS FOR OFFICE OF BOARD LEGAL SERVICES | <u>\$ 436.54</u> |



Donald R. Rittel
Administrative Law Judge

Sworn to and subscribed before me
this 2nd day of June, 1998.



Notary Public, State of Wisconsin
My Commission is permanent

1:\alj\costs\russell

STATE OF WISCONSIN
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

AFFIDAVIT OF COSTS

LARRY E J RUSSELL,

LS9712221CHI

RESPONDENT

97CHI059

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Being duly sworn Steven Gloe, the undersigned employee of the Department of Regulation and Licensing, upon information and belief, deposes and states as follows.

That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter

PROSECUTING ATTORNEY EXPENSE -- STEVEN GLOE

| DATE | ACTIVITY | HOURS | MINUTES |
|------------|--|-------|---------|
| 11/24/1997 | Case conference with investigator | 1 | 0 |
| 12/02/1997 | Case conference | 0 | 15 |
| 12/02/1997 | Draft Complaint and Notice of Hearing | 2 | 0 |
| 12/03/1997 | Case conference with investigator; request hearing date scheduling | 0 | 30 |
| 01/23/1998 | Review file; interview witness | 0 | 45 |
| 01/26/1998 | Hearing preparation; attend hearing | 1 | 30 |

| TOTAL PROSECUTING ATTORNEY EXPENSE -- | 6 HOURS AND 0 MINUTES | HOURS | MINUTES |
|---|-----------------------|-------|---------|
| (Based on their average salary and benefits at the Division of Enforcement) | | | |
| | | 6 | 0 |
| AT \$41.00 PER HOUR = | \$246.00 | | |

CONSUMER SPECIALIST EXPENSE -- CANDACE O. BLOEDOW

| DATE | ACTIVITY | HOURS | MINUTES |
|------------|------------------------|-------|---------|
| 10/01/1997 | visit to office | 2 | 0 |
| 10/02/1997 | ph call w/office | 0 | 5 |
| 10/03/1997 | investigation/research | 0 | 45 |
| 10/03/1997 | conf w/adv | 0 | 10 |
| 10/15/1997 | document review | 2 | 0 |
| 10/16/1997 | conf w/adv | 0 | 10 |
| 10/17/1997 | interview r | 3 | 0 |
| 11/24/1997 | conf w/adv | 0 | 10 |

| TOTAL CONSUMER SPECIALIST EXPENSE -- | 8 HOURS AND 20 MINUTES | HOURS | MINUTES |
|---|------------------------|-------|---------|
| (Based on their average salary and benefits at the Division of Enforcement) | | | |
| | | 8 | 20 |
| AT \$20.00 PER HOUR = | \$166.67 | | |

PROSECUTING ATTORNEY EXPENSE —
CONSUMER SPECIALIST EXPENSE —

EXPENSE SUMMARY

STEVEN GLOE

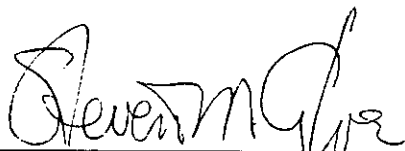
\$246.00

CANDACE O. BLOEDOW

\$166.67

TOTAL ASSESSABLE COST >>>>

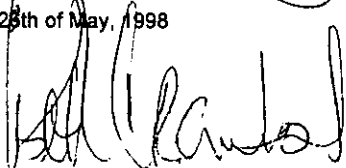
\$412.67



Steven Gloe, Attorney

Subscribed and sworn to before me this

28th of May, 1998



Notary Public

My commission: 3/26/2000



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

June 3, 1998

LARRY E.J. RUSSELL, D.C.
W8043 BIRCH ROAD
BEAVER DAM, WI 53916

RE: In The Matter of Disciplinary Proceedings Against Larry E.J. Russell, D.C.,
Respondent, LS9712221CHI, Assessment of Costs

Dear Mr. Russell:

On May 21, 1998, the Chiropractic Examining Board issued an order involving your license to practice as a chiropractor in the state of Wisconsin. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is \$849.21.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Chiropractic Examining Board, Room 174, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before June 20, 1998. After reviewing the objections, if any, the Chiropractic Examining Board will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A. Haack
Administrative Assistant
Office of Legal Services

Enclosures

cc: Chiropractic Examining Board
Department Monitor

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech

TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On May 21, 1998, the Chiropractic Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$849.21 Case #: LS9712221CHI

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$849.21

The costs and/or forfeitures are due: August 22, 1998

NAME: Larry E.J. Russell LICENSE NUMBER: 1286

STREET ADDRESS: W8043 Birch Road

CITY: Beaver Dam STATE: WI ZIP CODE: 53916

Check whether the payment is for costs or for a forfeiture or both:

X COSTS _____ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL _____ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

For Receipting Use Only

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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Committed to Equal Opportunity in Employment and Licensing+